APPENDIX

AMERICAN BAPTIST CONVENTION

Statement on Capital Punishment

Adopted: Rochester, New York, June 7, 1960

IV. NATIONAL AFFAIRS, 4. Capital Punishment

1. Because the Christian believes in the inherent worth of human personality and in the unceasing availability of God's mercy, forgiveness, and redemptive power, and
2. Because the Christian wholeheartedly supports the emphasis in modern penology upon the process of creative, redemptive rehabilitation, rather than on punitive and primitive retribution, and
3. Because the deterrent effects of capital punishment are not supported by available evidence, and
4. Because the death penalty tends to brutalize the human spirit and the society which condones it, and
5. Because human agencies of legal justice are fallible, permitting the possibility of the executing of the innocent,

We, therefore, recommend the abolition of capital punishment and the re-evaluation of the parole system relative to such cases.

Recognizing that at present some states (namely, Alaska, Delaware, Hawaii, Maine, Michigan, Minnesota, North Dakota, Rhode Island, and Wisconsin) have abolished the practice, we encourage Christians to support groups and agencies working for its abolition in the remaining forty-one states.

AMERICAN ETHICAL UNION

Resolution on Capital Punishment

Adopted at the 53rd National Assembly of the American Ethical Union, April 30, 1960;

Because we believe in the worth of every human personality and are, therefore, opposed to Capital Punishment, we call upon the Congress of the United States to pass legislation repealing it, and to appoint special commissions to study and hold public hearings on this question. We further urge those of our membership who are interested, to work with the committee to advocate the abolition of Capital Punishment.

AMERICAN SOCIETY OF FRIENDS
THE FIVE YEARS MEETING OF FRIENDS

held at Earlham College, Richmond, Indiana, Seventh Month 14-21, 1960:

Capital Punishment

Friends accept the Biblical teachings that every human life is valuable in the sight of God, that man need not remain in his sinful state but can repent and be saved, that God loves the sinner and takes "no pleasure in the death of the wicked", but longs "that the wicked turn from his way and live." (Ezekiel 22:11)

We oppose capital punishment because it violates the gospel we proclaim, and promotes the evils of vengeance and injustice through the agencies of government intended to advance righteousness and justice. We believe the Christian way to deal with crime is to seek the redemption and rehabilitation of the offender, promote penal reform and work more diligently at the task of preventing crime.

As capital punishment is abolished, we recognize that society must be protected against release from prison of those whose unredeemed spiritual life, or whose condition of physical or mental health, would endanger others.

We look with favor upon the renewed efforts in our time to abolish capital punishment, urge our members individually, and our Monthly and Yearly Meetings to unite with others in the task of removing the death penalty from the statute books of the various states, provinces and central or federal governments, and the United Nations.

AUGUSTANA EVANGELICAL LUTHERAN CHURCH OF NORTH AMERICA

STATEMENT ON CAPITAL PUNISHMENT, 1957

Whereas, being motivated by the following consideration:

1. We recognize the right and the duty of society to defend and protect itself against criminals;
2. We recognize the Spirit of Jesus Christ, revealed in the Scriptures, as regulative for conduct in all matters;
3. We believe that the Christian's attitude toward an offender of the law should be redemptive even in the administration of justice!

Be it resolved, that the Church go on record as opposed to capital punishment for the following reasons:

1. In the exercise of its responsibility to safeguard the welfare of society, the State has recourse to alternatives other than punishment by death;

2. Execution terminates the possibility for a redemptive approach to the offender;

3. Execution cancels any possibility of correcting a miscarriage of justice;

4. There is no conclusive evidence that capital punishment serves as a deterrent to the commitment of crime.

CHRISTIAN CHURCHES (DISCIPLES OF CHRIST) INTERNATIONAL CONVENTION

Cleveland, Ohio, October 11-16, 1957

Statement on Capital Punishment

We believe that Christians can no longer justify support of the practice of capital punishment. It has become increasingly clear that the certainty of apprehension and conviction rather than severity of punishment is the real deterrent to crime. Under such circumstances the death sentence becomes not a real protection to society but only a crude form of vengeance or retributive justice. Christian justification of punishment is always found in the hope of the rehabilitation of the offender; since dead people cannot be rehabilitated we can in no way defend capital punishment on Christian grounds.

In a very real sense also the practice of capital punishment stands in the way of more creative, redemptive, and responsible treatment of crime and criminals: There is the danger that society by concentrating attention on the execution of a few criminals may mislead its members into thinking that it is dealing effectively with crime prevention. Christians must insist upon the importance of crime prevention and the rehabilitation of offenders rather than upon retribution.

It should be noted that the protection of society can as well be achieved by the imprisonment of certain classes of criminals as by the death sentence Especially in view of the fact that innocent men have sometimes been mistakenly executed, we must now reject capital punishment as a clumsy, vindictive, and misleading practice that has no place in a Christian or even partially Christian culture. Four states and 27 foreign countries have already outlawed capital punishment. We urge Christians as citizens to work toward the elimination of the death penalty in their own states.

CHURCH OF THE BRETHREN

STATEMENT ON CAPITAL PUNISHMENT

Adopted by 1957 Annual Conference

Because we regard human life as sacred, and because we believe that the sixth commandment has application to organized societies as well as to individuals, we stand ready to give our support to legislation, now proposed in many states, for the abolition of capital punishment.

STATEMENT ON CAPITAL PUNISHMENT

Adopted by 1959 Annual Conference, June 20, 1959

Because the Church of the Brethren holds that the sanctity of human life and personality is a basic Christian principle which the state is also committed to uphold; and because we believe that capital punishment does not really serve the ends of justice, often resulting in tragic and irrevocable miscarriages of justice;

We commend current efforts to abolish capital punishment, and call upon Brethren everywhere to use their influence and their witness against it.

GENERAL CONFERENCE MENNONITE CHURCH
CENTRAL DISTRICT CONFERENCE, GENERAL CONFERENCE MENNONITE CHURCH

April 23-26, 1959 annual session at Goshen, Indiana

STATEMENT ON CAPITAL PUNISHMENT

Be it resolved that the secretary of the conference be instructed to write to the governors of the various states within our conference area where capital punishment is practiced to register our concern that this taking of life be discontinued, and that a redemptive approach be exercised in the treatment of all criminals.

THE METHODIST CHURCH.
Doctrine and Discipline of the
Methodist Church, 1964.

"The Methodist Social
Creed, Par. 1820. p. 661."

"We stand for the application of the redemptive principle in treating law offenders and for study and action directed toward the improvement of laws, correctional facilities and services, and court procedures in order to facilitate rehabilitation. For this reason we deplore capital punishment. We do not believe an individual should be excused for his personal responsibility to society; but we recognize that crime, and in particular juvenile delinquency leading to crime, is often a result of family failure and bad social conditions. Christian citizens and churches have a special opportunity and responsibility for creating those conditions of family life and social surroundings, wholesome recreation, vocational training, personal counselling, and social adjustment by which crime may be reduced, and offenders rehabilitated and redeemed by God's grace."

THE PROTESTANT EPISCOPAL CHURCH IN THE UNITED STATES OF AMERICA

59th General Convention, Florida, Oct. 16, 1956.

Capital Punishment

Inasmuch, as the individual life is of infinite worth in the sight of Almighty God; and

Whereas, The taking of this human life falls within the providence of Almighty God and not within the right of man therefore be it,

Resolved, That the General Convention goes on record as opposed to capital punishment.

UNION OF AMERICAN HEBREW CONGREGATIONS

Resolution on Capital Punishment

Unanimously adopted by the 45th Biennial General Assembly, Miami Beach, Fla., Nov. 14-19, 1959:

We believe it to be the task of the Jew to bring our great spiritual and ethical heritage to bear upon the moral problems of contemporary society. One such problem, which challenges all who seek to apply God's will in the affairs of men, is the practice of capital punishment. We believe that in the light of modern scientific knowledge and concepts of humanity, the resort to or continuation of capital punishment either by a state or by the national government is no longer morally justifiable.

We believe there is no crime for which the taking of human life by society is justified, and that it is the obligation of society to evolve other methods in dealing with crime. We pledge ourselves to join with like-minded Americans in trying to prevent crime by removal of its causes, and to foster modern methods of rehabilitation

of the wrong doer in the spirit of the Jewish tradition of tshuva (repentance).

We believe, further, that the practice of capital punishment serves no practical purpose. Experience in several states and nations has demonstrated that capital punishment is not effective as a deterrent to crime. Moreover, we believe that practice debases our entire penal system and brutalizes the human spirit.

We appeal to our congregants and to our co-religionists, and to all who cherish God's mercy and love to join in efforts to eliminate this practice which lies as a stain upon civilization and our religious conscience.

CENTRAL CONFERENCE OF AMERICAN RABBIS

The annual convention of the Central Conference of American Rabbis, meeting in Chicago, Illinois, June 24-29, 1958, approved the following statement:

The question of capital punishment is now under official study in several states. The Central Conference of American Rabbis urges the abolition of the death penalty where it is still in effect. We are convinced that it does not act as an effective deterrent to crime.

UNITED SYNAGOGUE OF AMERICA

The Executive Council of the United Synagogue of America on March 7, 1960 adopted the following resolution:

Judaism has always regarded capital punishment repugnant to its tradition and to the most noble instincts of man. Even where the Bible prescribes such a punishment Jewish rabbinic and ethical tradition have so interpreted this sanction as to make its application virtually impossible.

Man has been created in God's image, and as such is endowed with sanctity. His life is God-given and his life ends by the grace of God. No man individually or group of men collectively may take the life of another even in what may seem to be just retribution to society for a heinous crime.

The United Synagogue of America believes that the time has come for the abolition of capital punishment from the statute books of all states and provinces and we urge this course upon the various legislatures and the governors of states and provinces where capital punishment is still in force.

UNITARIAN UNIVERSALIST ASSOCIATION
MAY 13, 1961
Boston, Massachusetts

Capital Punishment

WHEREAS: Respect for the value of every human life must be incorporated into our laws if it is to be observed by our people; and

WHEREAS: Modern justice should concern itself with rehabilitation, not retribution; and

WHEREAS: It has not been proved that fear of capital punishment is a deterrent to crime; and

WHEREAS: Human judgments ae not infallible, and no penalty should be used which cannot be revoked in case of error; and

WHEREAS: Capital punishment has not always been used impartially among all economic and racial groups in America;

THEREFORE BE IT RESOLVED: That the Unitarian Universalist Association urges its churches and fellowships in the United States and Canada to exert all reasonable efforts toward the elimination of capital punishment; and

BE IT FURTHER RESOLVED: That copies of this resolution be sent to the Governors of all states in which capital punishment has not yet been eliminated, and to the Canadian Minister of Justice.

COUNCIL FOR CHRISTIAN SOCIAL ACTION, UNITED CHURCH OF CHRIST.

CAPITAL PUNISHMENT

Adopted by the Council for Christian Social Action of the United Church of Christ, January 30, 1962

The Call to Christian Action in Society, adopted by the Second General Synod of the United Church of Christ, meeting at Oberlin in 1959, challenges Christians to pray and work "for better methods in the treatment and rehabilitation of those convicted of offenses against the law." This objective raises a serious question about the practice of capital punishment.

There is a growing trend against the use of capital punishment among states and nations. In this country, the State of Michigan abolished the death penalty in 1847; since then seventeen (See Listing A) other states have taken similar action, although nine (See Listing B) of them, under pressure of anti-abolition sentiment and the impact of the post-World-War-I crime wave, have rescinded their action. Venezuela was the first nation to abolish capital punishment (in 1863); today there are thirty-two other nations which have done the same (See Listing C). In still other countries, and in the United

States, the use of capital punishment has declined even where it has not been legally abolished (See Listing D). In 1960 the number of murders as estimated by the FBI was 9140 (See Footnote 1). In that year there were 57 executions: 45 for murder; 8 for rape; 2 for kidnapping; 1 for forced robbery; 1 for aggravated assault by a life prisoner (See Footnote 2).

The usual arguments offered in support of capital punishment are: (1) that it is a deterrent to crime; (2) that it meets the requirements of justice; and (3) that it protects society against dangerous criminals. Criminologists and penologists increasingly question the validity of these arguments (See Footnote 3).

Capital punishment has not proved the contention that it can deter crime or lower the homicide rate. In general, it is the states which have abolished capital punishment which have the lower homicide rate. For example, in 1948 the highest homicide rate among the states which had abolished capital punishment was in Michigan, whose rate was 3.4 per 100,000; but Ohio, which used the death penalty, had in that same year a homicide rate of 4.5. This relative position between the two states had continued for twenty-two consecutive years (1927-1948). After four years study of the statistics on this subject a British Royal Commission concluded:

> "There is no clear evidence in any of the figures we have examined that the abolition of capital punishment has led to an increase in the homicide rate, or that its reintroduction has led to a fall." (See Footnote 4).

Students of the American system of justice have also produced evidence that in spite of generally fair adminis-

tration of justice, there are numerous instances in which innocent persons have been executed. It is also clear that the death penalty is more frequently decreed for criminals who are poor than for those who can afford the services of eminent attorneys to defend them. This is especially true of members of minority groups. After witnessing many executions at Sing Sing, Warden Lewis E. Lawes condemned capital punishment because it was discriminatory. A committee of the House of Representatives of the 69th Congress further stated: "As it is now applied, the death penalty is nothing but an arbitrary discrimination against an occasional victim. It cannot even be said that it is reserved as a weapon of retributive justice for the most atrocious criminals. For it is not necessarily the most guilty who suffer it. Almost any criminal with wealth or influence can escape it, but the poor and friendless convict, without means or power to fight his case from court to court or to exert pressure upon the pardoning executive, is the one singled out as a sacrifice to what is little more than a tradition." (See Footnote 5)

It is reported that in the more than 70 murder trials with which the late Jerry Giesler (Hollywood criminal lawyer) was associated no defendant was ever executed, and that his fees were supposed to have run as high as $100,000. (Footnote 6)

A responsible society is built not upon the principle of vengeance or retribution, but upon the conviction that the purpose of the penal process is to protect the community, and, if possible, to rehabilitate the criminal.

Capital punishment has proven ineffective as a deterrent to crime, uncertain as an instrument of justice, and futile as a method of protecting society. The death penalty is obviously the abandonment of any effort to rehabilitate

the criminal. Above and beyond all these considerations, it should be emphasized that the sanctity of the human person and the possibility of redemption are basic to the Christian Gospel. For these reasons the Council for Christian Social Action urges the abolition of capital punishment in all our states and calls upon the churches to encourage more effective forms of justice, looking toward the rehabilitation of offenders and the correction of the ills which contribute to their anti-social behavior. It urges Christians to work for positive programs of crime prevention; elimination of slums; the increase of social services; the constructive treatment of delinquency; the reconstruction of the whole penal system; and the development of the Christian Church as a genuinely redemptive fellowship in modern society.

LISTINGS: [omitted]

FOOTNOTES

1. FBI Uniform Crime Reports—1960.
2. National Prisoner Statistics, Federal Bureau of Prisons, Executions, 1960.
3. Social Action Magazine, April 1961.
4. Report, Royal Commission on Capital Punishment, 1949-1953, page 23.
5. Committee on the District of Columbia, House of Representatives, 69th Congress, First Session, "To Abolish Capital Punishment in the District of Columbia," Reports No. 876, April 14, 1926, page 2.
6. New York Times News Service, January 2, 1962.

THE UNITED PRESBYTERIAN CHURCH IN THE UNITED STATES OF AMERICA

177th General Assembly, 1965

CAPITAL PUNISHMENT

1. Whereas, we believe in the sovereignty of God's grace and in his power to redeem and restore the lost to meaningful and useful life.

2. Whereas, we further believe in the ultimate significance of each individual person as one for whom Christ died.

3. Whereas, several states in this land have recently entered into reconsideration of capital punishment as part of their penal systems.

4. Whereas, we note both the grave and irrevocable nature of execution as punishment and that statistical evidence consistently asserts the failure of the death penalty as a deterrent of crime.

5. Therefore, the 177th General Assembly (1965) reaffirms the action of the 171st General Assembly (1959), and:

a. Declares its opposition to capital punishment.

b. Calls upon the judicatories and members of The United Presbyterian Church in the United States of America to work for the abolition of the death penalty in their respective states.

6. We further call upon the legislatures of those states in which capital punishment is still practiced to hasten to eliminate this punishment from their penal code.

Statement from L'Osservatore Romano—October 21, 1959, repeated February 19, 1960.

N.41 (30.309)—page 2.

On February 19, 1960, L'Osservatore Romano after commenting on the case of Caryl Chessman, which was then nearing its last stages, added the following:—

"On the 21st October ultimo, upon being appraised of the imminent review pertaining to the execution of Caryl Chessman which he requested from the Supreme Court, we then made the following comment:

"We are against the death penalty. We do not overlook the fact that where it exists as in this case there may be a reason to consider its merits especially after such a meticulous appellate procedure by the courts which can last, as it did last for Chessman for a period of eleven years. But it is this anxiety, the lengthy agony of a man, who through a miracle has not become insane that makes this punishment more terrible than death. This in our opinion should invoke in civilized people the most conscientious reflection. A condemned man has waited twelve years for the gas chamber. No one can deny that has expiated any guilt regardless how serious, because a more serious penalty than this does not reasonably exist. Therefore we pose a humane and legal query which has not previously arisen. Even in non Christian times rigid law (summus ius) was declared the highest wrong (summa iniuria). In this last hour, these words no longer apply to the conscientious reflection of a civilized people as those from the United States, where every humane problem has always found sensitive attention which prompted a humane solution. Therefore it no longer remains a juridicial question because it is solely a humane one. It is no longer the legal code of procedure even

though this law allows a pardon. This goes beyond the law itself, and therefore is independent of any legal code. The only appeal now is no longer to that of the magistrates but to the conscience of men; no longer can one resort to appeals because no one can speak against their ultimate decision; the only thing remaining is to recommend a pardon and grant it. The court, which can still decide negatively, the Governor who alone will have to decide, do not have to give any accounting except to that God who alone knows and can administer perfect justice, and who for that reason has always commanded man not to forget mercy, because there can exist on earth justice without mercy, but never should mercy oppose justice. Here mercy in fact weighs heavily on the scales of justice which has a penalty which no law has ever fixed for any crime: that of giving a death penalty to be carried out at an indeterminate time. The court and the governor know that this unheard of punishment has been suffered for a good twelve years.

THE TALMUD[1]

1. Cases involving capital punishment had to be tried before a court of twenty-three qualified members.

2. Trustworthy testimony had to be presented by two qualified *eye-witnesses*. [A man could not be found guilty on his own confession].

3. Circumstantial evidence was not admitted. The Talmud gives the following example: "I saw a man chasing another into a ruin; I ran after him and saw a sword in his hand dripping with the other's blood and the mur-

[1] Selected from Man's Right To Live, Commission on Social Action of Reform Judaism, 1959, pp. 33-36 in consultation with Rabbi David Graubart of Chicago, who contributed also the parenthetical comments.

dered man in his death agony. I said to him, You villain! Who killed this man? Either I or you. But what can I do? Your life is not delivered into my hand, for the law says, at the mouth of two witnesses shall he that is to die be put to death." (Sanhedrin 37b)

4. The testimony of those related by blood or marriage was not admissible.

5. Men who were presumed to be lacking in compassion were not to be appointed to the court of twenty-three. In this regard the Talmud says: "We do not appoint to a Sanhedrin (court)an old man, a eunuch and a childless man." R. Judah adds, "One who is hard-hearted." (Sanhedrin 36b)

6. Witnesses were warned not to testify to anything that was based on their own inference, or that they know only second-hand.

7. Witnesses were interrogated separately about the exact time, place, and persons involved in the crime. If any material discrepancy was discovered in their testimony, the accused was acquitted.

8. Witnesses were asked whether they had warned the accused that he was about to commit a crime for which the penalty was death. Such warning was required. [The accused must have responded that he was fully aware of the deed he was about to do and determined to proceed].

9. The accused was presumed to be innocent until proven guilty, and every reasonable effort was made in the cross-examination to bring out grounds for finding for the accused.

10. In order to prevent witnesses from conspiring to place the guilt on the accused, they were warned that if they testified falsely they would be liable to the same penalty which the accused would suffer if he were convicted on the basis of their testimony.

12. If the accused was found guilty and was being led to the place of execution, there still was a provision on his behalf. As he was led to the place of execution a herald preceded him, calling out his name, his crime, when and where it was committed, and the names of those upon the basis of whose testimony he was condemned. The herald proclaimed that anyone who possesses any evidence favorable to the condemned should hasten to produce it. Should such evidence be forthcoming or should the condemned man declare that he can prove his innocence a stay of execution was granted. If the convict's testimony proved to be ineffective, he was still allowed to make another attempt at proving himself innocent, since two scholars walked along with him for the purpose of judging whether any further testimony that he might offer would justify a delay in execution.

The sentiment against capital punishment is expressed in the Mishnah in an opinion which maintains that a court which executes one man in seven years is a destructive one. R. Eleazar ben Azariah maintained that a court is destructive if it executes one man in seventy years. R. Tarfon and R. Akiba said, "If we had been in the Sanhedrin, no man would ever have been put to death." (Mishnah Makkot 7a)